

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3 JEFFREY SNYDER, D.O., )  
4 an individual, )

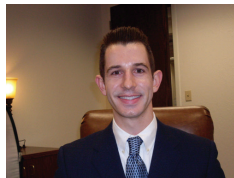
5 Plaintiff, )

6 vs. )

NO. CIV-16-384-F

7 BOARD OF REGENTS FOR THE )  
8 OKLAHOMA AGRICULTURAL & )  
9 MECHANICAL COLLEGES, ex rel., )  
10 OKLAHOMA STATE UNIVERSITY )  
11 CENTER FOR HEALTH )  
12 SCIENCES, et al., )

13 Defendants. )



14 VIDEOTAPED DEPOSITION OF JEFFREY ANDREW SNYDER, D.O.

15 VOLUME I

16 TAKEN ON BEHALF OF THE DEFENDANTS

17 IN OKLAHOMA CITY, OKLAHOMA

18 ON DECEMBER 20, 2018

19  
20 REPORTED BY: JANA C. HAZELBAKER, CSR  
21  
22  
23  
24  
25

**EXHIBIT**  
**16**

1           A       No, I'm not aware of that.

2           Q       What -- what types of skills have you  
3       developed through the education you've completed from  
4       an employment standpoint?

5           A       Are you talking --

6                   MS. HURST: Object to the form.

7                   MR. WHATLEY: Sure.

8                   THE WITNESS: Can you be specific? What  
9       are you talking about? What --

10          Q       (By Mr. Whatley) What are you best  
11       qualified to do, from an employment standpoint at  
12       this point --

13          A       I'm --

14          Q       -- based upon your education and  
15       experience?

16          A       -- qualified to provide care to patients,  
17       which would include residency training and continuing  
18       my career as a medical professional, as a physician.

19          Q       Well, I'm talking about right now as it  
20       stands. You -- is it your testimony that you're  
21       qualified to provide care to patients?

22          A       Yes.

23          Q       Okay. What other -- is that the best  
24       employment that you would be qualified for at this  
25       point?

1           A     That is my career choice, so that is why I  
2     went into that career was to be a physician. So that  
3     is my career choice and that's what I will continue,  
4     to be a physician.

5           Q     Are there any other -- any other careers  
6     that you would be qualified for?

7           A     I'm not aware of that.

8           Q     You haven't given any thought to anything  
9     other than being a physician?

10          A     I just want to become a physician. I mean,  
11     I am a physician right now. I'm a doctor. I  
12     graduated medical school. I'm a doctor of  
13     osteopathic medicine, and that is my career choice is  
14     to care for patients.

15          Q     And so you haven't given any thought to --  
16     to pursuing any other career besides practicing as a  
17     physician?

18          A     No.

19          Q     Did you fail any of your medical school  
20     exams?

21          A     I don't remember, and I don't know what  
22     constitutes "failure" necessarily, either.

23          Q     Well, you know, there's an exam that --  
24     that you either pass or fail in some instances,  
25     aren't -- don't you?

1           A     As I recall, it was around 44,000, I  
2     believe, a year. And the number that I paid  
3     attention to was the amount of money that I got each  
4     month from the paychecks once all the taxes and  
5     things like that there were taken out, and that was  
6     somewhere around \$2,700.

7           Q     Do you have a current resume?

8           A     A current -- I didn't even -- I didn't have  
9     a resume. I don't have a current resume except what  
10    I used for, you know, getting into residency.

11          Q     That was the last time you updated it?

12          A     Well, I don't -- there wasn't -- I don't  
13    believe and I don't recall if there's an actual  
14    resume I have to update.

15          Q     Is there a reason you haven't prepared a  
16    resume since your employment ended with the  
17    residency?

18          A     The problem at issue here, to answer your  
19    question, is there is a form called a "Postgraduate  
20    Training Verification Form." It is a very simple  
21    two-page form. That form was refused to be completed  
22    and submitted by Dr. Cotton, as program director.

23                That is very important because without that  
24    form being completed, I cannot have my licensure  
25    application completed. And due to her refusal, that

1 unlawful action of completing that verification  
2 form -- which Dr. Alexopoulos is also her supervisor  
3 and they work on behalf of the OSU Mercy employer  
4 school defendants in this lawsuit.

5 As a result of them refusing to verify any  
6 of my training -- not 12 months, not 11 months, not  
7 one month, not a single hour, I worked for over 2,500  
8 hours during my first year of residency -- they  
9 didn't verify any of my training, and that is a  
10 required component to complete an application for  
11 licensure.

12 The licensure board had told me that the  
13 only thing they were missing for me to be licensed  
14 was that postgraduate training verification form,  
15 which the school needs to fill out, put a seal on and  
16 send -- and send in to them. And they said that the  
17 day that that is sent in is the day I will become  
18 licensed.

19 And you have to have a license -- under the  
20 Oklahoma Osteopathic Medicine Act, which is the law,  
21 you have to have a license to continue to engage in  
22 postgraduate training beyond the first year of  
23 residency.

24 Q So I guess the answer to my question is,  
25 you haven't prepared a resume because you're not

1 looking for work unless it involves your app- --  
2 your -- you being licensed as an osteopathic  
3 physician, otherwise, you're just not interested in  
4 looking for any work?

5 A I'm interested in looking for work as a  
6 physician. And when the verification form is  
7 complete and submitted, then my license application  
8 will be completed -- will -- will be completed. It  
9 will not be obstructed and held hostage. And then I  
10 will continue to be able to lawfully and legally  
11 engage in postgraduate training and continue my  
12 medical career past the first year of residency.

13 Q What if that doesn't happen, what are you  
14 going to do?

15 A Well, we're going through this lawsuit to  
16 see what happens.

17 Q Okay. I'm asking you, what if it doesn't  
18 happen?

19 A We'll see.

20 Q So you don't have any backup plan or any  
21 other thoughts about what you might do?

22 A No. I do know what the law is and I do  
23 know that there's a fact that that verification form  
24 was never completed and sub- -- submitted, that she  
25 was instructed to do so. It's very clear on the

1 verification form.

2 And there is no authority that has been  
3 given to her under the Oklahoma State Board of  
4 Osteopathic Examiners or the Oklahoma Osteopathic  
5 Medicine Act for her to refuse to verify any of my  
6 training during the entirety of my first year of  
7 residency.

8 Q Doesn't the form require them to verify  
9 you've successfully completed training?

10 A There are a couple boxes --

11 Q Is that -- just -- can you just --

12 A Okay.

13 Q -- answer yes or no?

14 MS. HURST: He -- he's not dragging out the  
15 questions. He's -- he's answering the questions.  
16 Let him respond.

17 MR. WHATLEY: Well, that's far from an  
18 accurate characterization, but please respond.

19 THE WITNESS: Can you repeat your question?

20 Q (By Mr. Whatley) Sure. Doesn't the form  
21 that you keep talking about require Dr. Cotton, or  
22 the program director, to verify whether you've  
23 success- -- that you've successfully completed  
24 training?

25 A The form asked a question, as I recall,

1 similar to that, and there is a box for "Yes, No," or  
2 "In Progress."

3 And at the time that these forms are  
4 submitted and turned in -- as far as I know,  
5 the application process starts well in advance of the  
6 end of the first year of residency, so there is no  
7 legitimate excuse to not mark "No" or "In Progress"  
8 on that form. That is information that is required  
9 to be reported to the licensure board.

10 Q But if it was turned in with "No" marked,  
11 you certainly wouldn't be issued a license if you  
12 hadn't successfully completed the -- the entire first  
13 year, right?

14 A That's false because that is up to the  
15 licensure board. The licensure board takes into  
16 account all information that is sent in to them in  
17 true, accurate and complete statements, and they're  
18 going to take a look at everything, including my  
19 passage of all three licensure board exams, which is  
20 the basis for licensure.

21 They do background checks, fingerprints. I  
22 graduated from medical school. I -- I met the  
23 requirements for Standards of Professional Education.

24 In regards to completing a year, I did  
25 successfully complete the year. Dr. Cotton



1 documented in writing that I did. She said that  
2 Dr. Snyder successfully completed 12 months of OGME-1  
3 rotation training. She -- there is evidence she  
4 documented I successfully completed the entire year  
5 of the first year of residency program. All my  
6 rotation evaluations that I received during the  
7 entire first year of residency were satisfactory.

8 So I can go on and on in regards to that.

9 Q Well, I -- I believe that.

10 A Yes.

11 Q But my question is -- and -- is if your --  
12 if your -- if a report was made to the licensure  
13 board that you did not successfully complete the  
14 first year, do you think you would still be licensed?

15 A I think that they are going to take into  
16 account everything that's submitted to them,  
17 including the fact that -- that one of the questions  
18 on the for- -- form is in regards to "Was this  
19 resident placed on probation?"

20 And they're supposed to say "Yes" or "No,"  
21 and they are supposed to provide an explanation with  
22 documentation on an additional page in regards to  
23 various questions on the form.

24 The licensure board did not say, "You don't  
25 need to submit this information." The licensure

1 board is the only entity and the correct entity to  
2 make a decision whether to grant a license.

3 Q Have you made --

4 A So that's up to them.

5 Q Have you made any type of an appeal to the  
6 licensure board to -- to act on your situation  
7 without that form?

8 A No.

9 Q Have you looked into that at all?

10 A No. It is their responsibility to complete  
11 the verification form.

12 Q But you haven't done anything to try to  
13 move that process forward with the Board?

14 A No. That process has been requested  
15 routinely and repetitively throughout this legal  
16 action, though, with you all. You all are completely  
17 aware that that verification form was not completed.

18 Q And just to -- to be clear, you haven't --  
19 you haven't looked for any other possible position to  
20 work in since the time your employment with the  
21 residency ended?

22 A When you say "any other possible  
23 position" --

24 Q Any -- any employment. Any type of  
25 employment to work -- to take.

1           A       I've looked into -- I've looked at  
2       information, in terms of osteopathic opportunities  
3       website, in regards to other residency programs. I  
4       have looked at their residency program websites.

5                   I have looked up information in -- in  
6       regards to handbooks of other residency programs,  
7       including the OSU Family Medicine Residency Program  
8       in regards to what the law is --

9           Q       Okay.

10          A       -- what the --

11          Q       I'm asking specifically about employment  
12       opportunities.

13          A       Uh-huh.

14          Q       Have you looked at the potential of going  
15       into another residency program somewhere else?

16          A       The potential for me to get into another  
17       residency program is held up by the fact that I need  
18       to have a license to continue to engage in training  
19       beyond the first year of residency.

20                   So I have looked into information, but  
21       knowing that that process has been obstructed and  
22       held hostage on behalf of the OSU Mercy defendants,  
23       including Dr. Cotton and Dr. Alexopoulos in this  
24       lawsuit, I am limited in that scenario.

25          Q       Okay. Have you -- have you communicated

1 with any other residency program about what  
2 opportunities might be there for you?

3 A I did not talk to other residency programs,  
4 but, like I said, I visited their websites. I've  
5 seen that they follow the law, which is, again, you  
6 have to have a license to engage in training beyond  
7 the first year of residency. I have read information  
8 that says, "Before you apply, make sure you're  
9 qualified." That's a qualification that has to be  
10 had to continue training beyond the first year of  
11 residency.

12 Q Have you -- have you looked into the  
13 possibility of re-entering a residency program  
14 somewhere as a first year?

15 A That would be inappropriate because I  
16 completed the entire year of residency.

17 What is holding this process up --

18 Q Mr. Snyder -- Dr. Snyder, if you -- really --  
19 MS. HURST: Just answer his question.

20 THE WITNESS: Okay.

21 Q (By Mr. Whatley) -- if you would just  
22 answer the question, this would go so much --

23 A Oh, okay. I'm sorry.

24 Q So have --

25 A So, no, I have not looked into that because

1 of the reasons I've already mentioned.

2 Q Have you made any inquiry with any  
3 residency program about the possibility of getting  
4 some credit for the work you did at OSU and being --  
5 becoming a part of their residency program in some  
6 fashion that might require a little bit of  
7 remediation but not repeating the entire first year?

8 A No.

9 And I could tell you why, but you don't --  
10 are you interested in that or no?

11 Q I think -- is it different than what you've  
12 already told me?

13 A It's similar, but the -- the point is, is  
14 that they're required to verify the training, whether  
15 it's 10 months, 11 months, 12 months, it doesn't  
16 matter.

17 Q But you've not -- you've just assumed that  
18 that training wouldn't be verified, and so you  
19 haven't made the effort to talk with these other  
20 programs?

21 A I don't understand --

22 MS. HURST: Object to the form.

23 THE WITNESS: -- your question.

24 Q (By Mr. Whatley) Well, are you saying you  
25 haven't talked to any other programs about the

1 possibility of coming in and getting some credit for  
2 the work you did at OSU? You haven't --

3 A That's -- that is -- no, and that's not how  
4 it works.

5 Q Well, how do you know if you haven't spoken  
6 to anyone? How do you know that?

7 A I know that's not how it works because you  
8 have to have a residency program verify the training  
9 from that program.

10 Another residency program, as an example,  
11 would not verify the training that is done at OSU  
12 Medical Center, managed by Mercy, or OSU Center for  
13 Health Sciences.

14 Q Well, you -- you heard testimony during the  
15 depositions of other residents that some people have  
16 transferred from other residencies into OSU's  
17 program, right?

18 A There was one individual I recall that was  
19 named Sean McCready.

20 Q And -- and Mr. McCready -- or Dr. McCready  
21 was able to transfer and get credit for some of the  
22 work he had done elsewhere and then catch up in the  
23 residency program at OSU, right?

24 A What was testified to by Dr. McCready was  
25 that he did his residency as a regular intern year at

1 St. Anthony's Hospital. He was then transferring  
2 into the OSU Family Medicine Residency Program. And  
3 a part of that transfer process, you have to apply  
4 for -- I forgot if it's called advanced standing or  
5 advanced approval for how many months that were  
6 completed through the previous year that he would get  
7 credit for as an OSU family medicine resident.

8 He testified that he was allowed to only  
9 have nine months of training as an OSU family  
10 medicine resident to be allowed to be transferred,  
11 even though he did 12 months.

12 But for family medicine residency, if  
13 you're going to go from a generic residency  
14 internship to family medicine residency, you have to  
15 apply for how much credit you're going to get in that  
16 specific area of medicine.

17 He got nine months approved, even though he  
18 did 12. And then when he got there, Dr. Cotton,  
19 according to Dr. McCready, allowed him to start as of  
20 July 1st of his second year as a second-year  
21 resident, even though he only had nine months,  
22 according to Dr. McCready, approved for -- for OSU  
23 Family Medicine Residency Program.

24 Q So it is possible to transfer from one  
25 residency program to another and get at lea- -- and

1 get some credit for what you've done there in the new  
2 program?

3 A You can transfer residency programs.

4 Q But you've not talked to any residency  
5 program about doing that?

6 A There is the holdup -- no.

7 And the holdup of that was you all  
8 obstructing my license application due to me  
9 successfully completing the first year.

10 Q You don't have to have a license to -- to  
11 call a residency program and see if you can get into  
12 their program, get some credit for what you've done,  
13 maybe make up a couple of months and then look at  
14 the -- the process of becoming licensed.

15 A Well, but what we know here is that -- at  
16 least I think can be proven from my standpoint --

17 Q Well, but just answer my question.

18 MS. HURST: Just answer the question --

19 THE WITNESS: Okay. Go ahead.

20 MS. HURST: -- Dr. Snyder.

21 Q (By Mr. Whatley) Right. You --

22 A Say it again.

23 Q You -- the fact -- you don't have to have a  
24 license to contact another program and talk to them  
25 about options and possibilities of transferring into



1     their program, getting some credit and working  
2     towards your license with that program.

3           A     I think you could call a residency program,  
4     or I could, or anyone could --

5           Q     But you --

6           A     -- but it's -- it's a futile matter because  
7     it's irrelevant because you have to have a license,  
8     and the verification form was not turned in to allow  
9     me to continue training after the first year.

10          Q     Did Dr. McCready have a license when he --  
11     when he transferred?

12          A     He had a license and he was allowed to be a  
13     second-year resident with only nine months of  
14     first-year credit. But he was allowed to start his  
15     second year of residency with only nine months of  
16     first-year rotations.

17          Q     So how do you know that wouldn't have  
18     happened with you with your presumably 11 months of  
19     credit if you want to another program?

20          A     Because that's a different scenario because  
21     Dr. McCready, he got his license. He got his license  
22     because his institution, healthcare institution or  
23     employer, did what they were supposed to do. They  
24     verified his training.

25                     My training was not verified due to the

1 unlawful conduct of Dr. Cotton and others of OSU  
2 Mercy. That is why.

3 Q But you made no effort to check with other  
4 programs to see how they would handle it?

5 A I did look on residency program websites.  
6 I have looked that -- it says that before you apply,  
7 make sure you have the qualifications to do so. I  
8 have to be licensed to continue to engage in training  
9 beyond the first year of residency.

10 Q And that's not true in every state, is it?

11 A I'm not sure what all the states are, but I  
12 did check some of the surrounding states and, as I  
13 recall, that is true in those states.

14 Q Which place -- which residency programs did  
15 you go on the websites for?

16 A I went on ones that I could find websites,  
17 such as -- you know, of course, there's OSU's Family  
18 Medicine Residency Program. And I'm familiar with  
19 handbooks, e-mails, policies that they have regarding  
20 to them following the law.

21 I think one of the residency programs was  
22 maybe Choctaw. One of them might have been, as I  
23 recall, I think, Durant. I tried to find ones that  
24 were within the area that I could find websites for.  
25 I also went on OU's website.

1 Q Those all that you can recall right now?

2 A Yes, those are the ones that I can recall.

3 Q Have you made any other efforts to find  
4 employment since your employment ended with the  
5 residency program?

6 A The efforts that I discussed, again,  
7 pertain to looking at the law, looking at the legal  
8 requirements, looking at residency program handbooks,  
9 looking at e-mails that I have received, looking at  
10 residency program websites.

11 So those are the ones that I can recall.

12 Q Okay. When you say "e-mails you received,"  
13 from whom?

14 A These would be e-mails from OSU Medical  
15 Center, managed by Mercy. Of course, also OSU Center  
16 for Health Sciences is in- -- is involved. And, as I  
17 recall, it'd be e-mails associated with the Graduate  
18 Medical Education Department, which Dr. Alexopoulos,  
19 as I understand, is over that. She's the director of  
20 medical education.

21 I believe some of the e-mails were  
22 particularly from Brenda Davidson or Rhonda Bogan, I  
23 believe, who are in that department. They send out  
24 information pertaining to the legal and lawful  
25 requirements for their resident to have their license

1 as they continue their training after the first year  
2 of residency.

3 Q Have you done any type of volunteer work  
4 since your association with the residency ended?

5 A No, I don't recall any, other than helping  
6 my family out, but I don't know if that's volunteer  
7 work.

8 Q What do you do on a day-to-day basis now?

9 A I am very involved in this lawsuit. This  
10 has disrupted me and damaged my life to the -- to a  
11 great -- significant extreme, as I'm sure you all  
12 could imagine. So, again, very involved in this  
13 lawsuit. I review documents, filings that are  
14 associated with this lawsuit. I'm very much in touch  
15 with my attorney, communicate --

16 MS. HURST: Don't talk about  
17 attorney/client communications.

18 THE WITNESS: Okay.

19 Q (By Mr. Whatley) You can tell me how often  
20 you talk to your attorney, just not what you say.

21 A Oh --

22 MS. HURST: That's correct.

23 THE WITNESS: -- okay. Well, I communicate  
24 with my attorney, you know, regularly, frequently.  
25 I'm not sure what word you're looking for. But I am

1 surgery. So you're learning a specific area of  
2 medicine.

3 So during a residency you have -- as far as  
4 the purpose, you have education. You have training  
5 that's done. You have teaching, you're being taught  
6 during residency, and learning going on, essentially.  
7 And that occurs over the entirety of a residency  
8 program.

9 So as an example, with family medicine you  
10 could be a first-year resident, second-year resident  
11 or third-year resident. Third-year residents are  
12 still learning. Second-year residents are still  
13 learning.

14 So learning, education, teaching, training,  
15 that's what's going on during a residency program.

16 Q Is there also a component of that program  
17 where you're being evaluated, in terms of your  
18 fitness, to -- to be a licensed physician?

19 A In terms of being a licensed physician,  
20 that is a decision that is being made by the  
21 licensure board.

22 Q Okay. They -- do they not rely on input  
23 from the residency program, though, in making that  
24 determination?

25 A If you're referring to the postgraduate

1 training verification form that was failed to be  
2 turned in by the people in my residency program,  
3 information should be and is supposed to be reported  
4 to them, which OSU Center for Health Sciences and OSU  
5 Medical Center, managed by Mercy, refused to report  
6 information to the licensure board.

7 Q Okay. You keep --

8 A So the licensure board does receive  
9 information from a residency program, but not in my  
10 scenario. They discriminated against me.

11 Q So going back to my question.

12 The -- part of the purpose of the residency  
13 program is to evaluate the residents to determine  
14 if -- if -- if they're ready to become practicing  
15 physicians --

16 A I --

17 Q -- and to be licensed.

18 A -- disagree with that.

19 Q You disagree. So --

20 A Yes.

21 Q -- even though the licensing board won't  
22 issue a license without the information from the  
23 residency, you don't think that that's part of the  
24 evaluation process and the qualifications for being  
25 licensed?

1           A       What I specifically disagree with is that  
2       they have a component of reporting information. The  
3       Family Medicine Residency Program or the Healthcare  
4       Training Institution, OSU Medical Center, managed by  
5       Mercy, they aren't ones to make a decision on  
6       licensure. They have information that they are  
7       supposed to report so the licensure board can make  
8       decisions, which is similar to, like, the medical  
9       school. It was required for the medical school that  
10      I attended to report information so the licensure  
11      board can make their decision.

12          Q       Okay. Isn't the information they're  
13      reporting, though, their opinion as to whether you  
14      successfully completed that first year and are ready  
15      to move to the point of being licensed?

16          A       There is a postgraduate training  
17      verification form for them to report information of,  
18      is this resident -- in terms of their performance,  
19      did they, yes, do that, no, or are they in progress  
20      of.

21                    So you're supposed to report information  
22      pertaining to my training and the licensure board  
23      evaluates that.

24          Q       Okay. And the licensure board uses that as  
25      part of the decision-making on whether you should

1 have a license?

2 A Yes. So the licensure board does use  
3 material that was not reported to them, due to people  
4 discriminating against me.

5 Q They -- they certainly rely upon the  
6 opinion of the -- the residency program with regard  
7 to whether you successfully completed that first year  
8 or not, right?

9 A They rely on true, accurate and complete  
10 information, which is what the verification form says  
11 to provide to them. So they are supposed to provide  
12 information, including additional information that  
13 they need.

14 Q And there's certainly -- besides the family  
15 medicine residency that you were in, there are other  
16 residency programs that -- that are going on at the  
17 same time with people in different specialties,  
18 right?

19 A Yes.

20 Q Okay. And as part of at least your first  
21 year -- or, actually, it looked like maybe multiple  
22 years, you -- you rotate through different  
23 specialties. You're not just only in the Family  
24 Medicine Clinic the whole time, or in the hospital  
25 the whole time, you -- you do different specialties



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

JEFFREY SNYDER, D.O.,	)	
an individual,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-16-384-F
	)	
	)	
BOARD OF REGENTS FOR THE	)	
OKLAHOMA AGRICULTURAL &	)	
MECHANICAL COLLEGES, ex rel.,	)	
OKLAHOMA STATE UNIVERSITY	)	
CENTER FOR HEALTH	)	
SCIENCES, et al.,	)	
	)	
Defendants.	)	

VIDEOTAPED DEPOSITION OF JEFFREY ANDREW SNYDER, D.O.

VOLUME II

TAKEN ON BEHALF OF THE DEFENDANTS

IN OKLAHOMA CITY, OKLAHOMA

ON DECEMBER 21, 2018

REPORTED BY: JANA C. HAZELBAKER, CSR

1 MR. WHATLEY: I said, other than the  
2 language in this document.

3 THE WITNESS: You didn't --

4 MR. WHATLEY: That's exactly what I said.

5 MS. HURST: Other than the language,  
6 Dr. Snyder.

7 THE WITNESS: Other than the language in  
8 this document?

9 Q (By Mr. Whatley) Other than the two  
10 statements here, do you have some other evidence that  
11 backs up this idea that you successfully completed 12  
12 months of --

13 A I absolutely do.

14 Q Okay. What is it?

15 A Okay. Are you going to let me say my  
16 entire answer?

17 Q It -- not -- as long as it doesn't include  
18 you reading this document --

19 A Okay.

20 Q -- which I said --

21 A I won't read this document.

22 Q -- is not what we're considering.

23 A Okay.

24 Q Now, please answer.

25 A Okay. So, first of all, towards the end of

1 the first year of residency, I was provided a  
2 schedule of the second year of the residency training  
3 program.

4 This schedule was e- -- e-mailed out to the  
5 residents in the OSU Family Medicine Residency  
6 Program. This schedule had me grouped with all the  
7 second-year residents.

8 There is first-year residents on this  
9 schedule -- and I have a copy of it if you'd like for  
10 me to pull it out.

11 Would you like me to or not?

12 Q No. I want you to continue with the list.

13 A Okay. So there's a schedule that shows me  
14 scheduled and grouped as a second-year resident with  
15 all the second-year residents. It clearly breaks  
16 apart on the schedule the first-year residents and  
17 separates them from the second-year residents and  
18 separates them from the third-year residents. I'm  
19 grouped as a second-year resident with all the other  
20 second-year residents.

21 On that schedule, I am also scheduled for  
22 the types of rotations that a second-year resident  
23 does, starting July 1st, 2014, through June 30th,  
24 2015.

25 I -- I have the identical types of

1 rotations that a second-year resident does and the  
2 same number of type of rotations that a second-year  
3 resident does on that schedule. That is evidence  
4 that I satisfactorily and successfully completed the  
5 first year of residency.

6 Dr. Cotton is responsible for the schedule.

7 Q Any --

8 A That -- that's one.

9 Q Okay. Can you just give me a list, and  
10 then we'll go back and discuss them in more detail?

11 You said the -- the -- the schedule that  
12 came out.

13 What else?

14 A There -- around February -- and just to be  
15 clear -- so I want to know -- so everyone knows the  
16 time frame, the residency program for the -- my first  
17 year was July 1st, 2013, through June 30th, 2014.

18 The second year started July 1st, 2014, and  
19 would go through June 30th, 2015. That's how the  
20 academic year works.

21 There was posted on a public Facebook page  
22 for the OSU Family Medicine Residency Program showing  
23 me grouped with the second-year residents of the  
24 residency program for -- for July 2014 through  
25 June 2015.

1 Q When was that posted?

2 A That was posted around February 11th, 2015.

3 Q 2015?

4 A Yes.

5 Q Okay. What else -- evidence do you have  
6 that you successfully completed 12 months of  
7 residency?

8 A So there -- I was identified as a  
9 second-year resident on a -- whenever we had  
10 orientation for the upcoming year for my second year  
11 of residency, that was somewhere around July 1st or  
12 the -- towards the end of June 2014.

13 This was an orientation at the OSU Family  
14 Medicine Clinic in which -- it was in a conference  
15 room, and you had all, if not -- if -- most, if not  
16 all the residents. They were supposed to all attend  
17 the orientation.

18 Dr. Cotton came around the room with a  
19 sign-in sheet for that orientation for the upcoming  
20 year, for my second year of residency, and it had me  
21 specifically grouped and listed with all the  
22 second-year residents, and I signed that document.

23 Q Okay. Anything else?

24 A There was -- the first day of the second  
25 year of -- of the residency, July 1st, 2014, there

1 was a contact list e-mailed out for the OSU Family  
2 Medicine Residency Program. That contact list,  
3 again, was sent out July 1st, 2014. It specifically  
4 lists me and identifies me as a second-year resident  
5 in the Family Medicine Residency Program.

6 Again, that is evidence that I  
7 satisfactorily and successfully completed the first  
8 year of residency or I would not be identified as a  
9 second-year resident.

10 Q Anything else?

11 A Also, on July 1st, 2014, I was sent an  
12 e-mail from the OSU Family Medicine Residency Program  
13 in regards to -- it was sent to second-year residents  
14 for the OSU Family Medicine Residency Program in  
15 regards to obtaining DEA number, OBNDD number, as  
16 well as moonlighting, which is something that  
17 second-year residents do as well.

18 I was sent that e-mail, and that e-mail was  
19 sent to second-year residents. If I was not a  
20 second-year resident, they would not send me that  
21 e-mail.

22 Q What else?

23 A There was also an e-mail that I was sent  
24 towards the very end of the first year of residency,  
25 so probably sometime around the end of June 2014, and

1 I was assigned and signed up for providing lectures  
2 to teach medical students.

3 In accordance with the OSU Family Medicine  
4 Residency Handbook Contract, that is something that  
5 is only done by second- and third-year OSU family  
6 medicine residents.

7 So as a -- a second-year resident, I was  
8 signed up to teach family medicine residents, which  
9 is consistent with the handbook contract being done  
10 only by second- and third-year residents, which is,  
11 again, evidence that I satisfactorily and  
12 successfully completed the first year of residency.

13 Q Anything else?

14 A There was a contract that was put together  
15 for me. It has my name printed on the contract, and  
16 it was specifically printed on there for the second  
17 year of the residency, PGY-2, Postgraduate Year 2.  
18 And that contract was put together for me to start as  
19 a second-year resident starting July 1st, 2014.

20 Q And you received that when?

21 A That was hidden from me. It was never  
22 provided to me. It was dated April 8th, 2014, and  
23 was not given to me.

24 Q So you didn't receive it then?

25 A It was hidden from me. It was uncovered

1 through discovery in this lawsuit.

2 Q Well, what -- what do you mean by "hidden"  
3 from you?

4 A It was never given to me. I don't know why  
5 it was not given to me. And it had my name on it.  
6 It was made for me and it was never given to me.

7 Q But that was --

8 A But it identifies me as a second-year  
9 resident starting July 1st, 2014.

10 Q But it was -- from your understanding, it  
11 was created back in April of 2014?

12 A If -- that's the date on the contract, so  
13 perhaps they gave them out to other residents and I  
14 was discriminated against and they decided to not  
15 give it to me.

16 Q All right. Anything else?

17 A There is -- in terms of procedures done  
18 during the first year, I did around 75 procedures and  
19 I passed 75 procedures.

20 Q What else?

21 A Let's see. There is a skills document that  
22 identifies me for the second year of training in the  
23 residency training program for OSU Family Medicine  
24 Residency, and that document was also approved by  
25 Dr. Cotton.



1 Q Anything else?

2 A And we're talking about other than this  
3 letter, because we already talked about this letter.

4 Q Right. I don't want to --

5 A Yes. Okay.

6 Q I don't want to talk any more about this  
7 letter.

8 A Okay. All the monthly rotation evaluations  
9 that I received, which -- so everyone knows, again, I  
10 know everyone knows in this room, but I'm just  
11 saying, you have a different rotation each month.  
12 Rotations are each month.

13 From July 1st, 2014, through June 30th,  
14 2000- -- I'm sorry, July 1st, 2013, through  
15 June 30th, 2014, which was my first year of  
16 residency, all the monthly rotation evaluations that  
17 I received were satisfactory. None of those rotation  
18 evaluations were marked as "Unsatisfactory."

19 Q Anything else?

20 A During my first year of residency, from  
21 July 1st, 2013, through June 30th, 2014, all the  
22 quarterly evaluations that I received did not have  
23 any markings of "Deficient," which shows I  
24 satisfactorily and successfully completed the first  
25 year of residency.

1 Q Anything else?

2 A There was a letter that was documented and  
3 put together for the licensure board by Dr. Jenny  
4 Alexopoulos, who is the director of medical education  
5 for OSU Medical Center, managed by Mercy.

6 That letter said that I will successfully  
7 complete the AOA approved OSU Family Medicine  
8 Residency Program. And this was dated March 19th,  
9 2014.

10 She said I had proper and professional  
11 character, as I recall, that I was in good standing,  
12 and that she recommends me for licensure. And she  
13 recommends me for licensure without any reservation.

14 Q Was that letter ever provided to you other  
15 than through discovery?

16 A No.

17 Q Was that letter ever provided to the  
18 licensure board?

19 A I'm not aware what Dr. Alexopoulos did with  
20 the letter.

21 Q And the letter was created and dated,  
22 according to what you saw, in March of 2014?

23 A March 19th, 2014.

24 Q Anything else?

25 A There was -- each year, as I understand, in

1 the OSU Family Medicine Residency Program, there is  
2 what's called an in-service examination. And I  
3 believe it is put on by the American College of  
4 Osteopathic Family Physicians. And that examination  
5 I performed satisfactorily. As I understand, I  
6 performed above average compared to other first-year  
7 family medicine residents across the country.

8 Q Anything else?

9 A I passed all three licensure board  
10 examinations, which shows, in -- in my opinion, that  
11 I satisfactorily and successfully completed the first  
12 year of the residency program. And that is the basis  
13 for licensure as well.

14 Q Anything else?

15 A Those are all the things I can think of at  
16 this point in time.

17 Q Okay. This schedule that you said you were  
18 on as a -- as a second-year resident, when was that  
19 issued?

20 A I believe that was issued around May 23rd,  
21 2014.

22 Q And the schedules would be modified and  
23 changed from time to time, wouldn't they?

24 A I'm not aware of that. I wasn't involved  
25 in that process. I do know that there was a -- there

1 example.

2 That's about a -- approximately, \$180,000  
3 difference that would be lost as well, per year, that  
4 I would be having to go back to a residency program.

5 MR. WHATLEY: All right. I'll pass the  
6 witness. (1:34 p.m.)

7 DIRECT EXAMINATION

8 BY MR. STEPHENS:

9 Q Dr. Snyder, my name is Steve Stephens. I'm  
10 the general counsel for the Board of Regents.

11 Let me just start off following up on some  
12 questions Nathan asked you.

13 Have you ever heard of the phrase "duty to  
14 mitigate damages"?

15 A Yes.

16 Q You understand, do you not, that you have a  
17 duty as a litigant to try to mitigate any damages you  
18 may have suffered, don't you?

19 A I'm not sure exactly what the requirements  
20 there are because I'm not an attorney.

21 Q Well, you have a duty to go out and try and  
22 lessen the damages instead of just letting them  
23 escalate and increase, don't you?

24 A I have a -- I do not understand exactly  
25 what the legal requirements are.

1           Q     Well, let me just tell you. The legal  
2     requirement is that you have a duty to go out and try  
3     and lessen the damages and not try to just simply let  
4     them escalate and increase.

5                     Now, if I understood your testimony  
6     correctly, you have done nothing over the past five  
7     years to try and get any other job at all; is that  
8     true?

9                     MS. HURST: Object to the form.

10                    THE WITNESS: That's false.

11           Q     (By Mr. Stephens) What have you done to try  
12     and get another job?

13           A     I have tried to get my verification form  
14     turned in that specifically is --

15           Q     I'm talking about any other job other than  
16     a residency job at the OSU Medical Center.

17                     MS. HURST: Object to the form.

18                    THE WITNESS: Can you repeat your question?

19           Q     (By Mr. Stephens) You haven't done anything  
20     in the past five years to try and get any other job  
21     at any place other than at the OSU Medical Center,  
22     correct?

23           A     That's false, because --

24           Q     What have you -- what job have you tried to  
25     get?

1           A     I -- so you said I tried to get a job at  
2     OSU? Is that what's part of your question?

3           Q     No. You said you tried to get back in the  
4     OSU Medical Center Residency Program, correct?

5           A     That is a job.

6           Q     Okay. Other than that attempt, have you  
7     made any effort to try and get any job during the  
8     past five years?

9           A     My attempts were made due to having the  
10    verification form turned in, which is a requirement  
11    to engage in training after the first year of  
12    residency. Once that is turned in, my licensure  
13    application will be completed.

14                   Once I have my license, I'm qualified to  
15    work as a second-year resident, to engage in training  
16    after the first year. So you all have prevented me  
17    from being able to obtain further employment after  
18    the first year of residency.

19           Q     We've heard that repeatedly.

20                   However, isn't it true that you have not  
21    put in any application at any other employer anyplace  
22    in the country in the past five years?

23           A     I just told you.

24           Q     Yes or no.

25           A     Can you repeat the question?

1           Q     Isn't it true that you have not attempted  
2     to put in an application at any other place of  
3     employment in this country in the past five years?

4           A     That's false.

5           Q     With what other entity have you placed an  
6     application for employment in the past five years?

7           A     I tried to apply in transferring for a  
8     program at OSU Medical Center, which you previously  
9     said but then you forgot about.

10          Q     Is that the only one?

11          A     That was the only situation that I was able  
12     to do that due to the fact that y'all were in control  
13     of the verification form. So, yes.

14          Q     Okay. So that's a "yes," correct?

15          A     I just explained my answer.

16          Q     Okay. You appear to have a -- a problem  
17     answering a yes or no question with a simple "yes" or  
18     "no."

19                     Is there some type of cognitive or mental  
20     disorder you suffer from that prohibits you from  
21     answering a question "yes" or "no"?

22                     MS. HURST: Object to the form.

23                     THE WITNESS: There has been statements  
24     made by Dr. Cotton. I disagree with that, what you  
25     just said, but there has been statements made by

1 school, there's a process called the "match."

2 Are you familiar with that term?

3 A Yes.

4 Q That's where fourth-year students try to  
5 match with residency programs around the country,  
6 correct?

7 A That's what I understand. It's a system  
8 that's set up to match fourth-year medical students,  
9 as you said, into residency programs around the  
10 country, yes.

11 Q And are you aware that every year there are  
12 more students entering the match than there are spots  
13 available in residencies?

14 A I'm not aware of that.

15 Q Are you aware that every year around the  
16 country there are some people who graduate from  
17 medical school who do not get accepted into any  
18 program?

19 A I'm not aware of that.

20 Q Are you aware of people that go through  
21 and -- try and go through the match, and they don't  
22 match with the residency programs to which they've  
23 applied and, therefore, have to go through something  
24 called the "scramble"?

25 A I've heard of that. That's a fourth-year



1 medical student who does not match into what they  
2 were wanting to match in, I guess you could say.

3 There's a ranking process where a medical  
4 student will rank where they would like to preferably  
5 attend residency. And then the residency programs  
6 rank -- rank people as well.

7 And then that's where the match comes in,  
8 where you have the rank of the individual medical  
9 student, fourth year, and the res- -- and the  
10 residency program ranking. Then if there is a match,  
11 they match.

12 And then if there is no match, there is a  
13 process where a fourth-year medical student could try  
14 to obtain some sort of position and see if they can  
15 find a entry-level position to begin a residency  
16 program.

17 Q And that's called the scramble?

18 A I believe we're talking about the same  
19 thing.

20 Q Okay. Now, isn't it also true that there  
21 are some -- that you were educated by the school  
22 about being realistic with what programs to try to  
23 match?

24 A I'm not aware of that.

25 Q Well, there are some residency programs

1 have been beneficial.

2 Q Now, at one point in time you made a call  
3 to Jeffrey LeBoeuf regarding the possibility of  
4 transferring into a radiology residency; is that  
5 true?

6 A That's correct.

7 Q And you got his name from Mr. Kannady --  
8 from Mr. Price through Mr. Kannady, correct?

9 A I believe that's the case.

10 Q And Mr. LeBoeuf told you, in essence, did  
11 he not, that, yeah, is technically possible to  
12 transfer from one program to another, but radiology's  
13 a very difficult one to get into because it's hard to  
14 match into that program?

15 A I don't remember him saying that.

16 Q Well, that you know to be true, don't you?

17 A I -- as I said previously, in regards to  
18 when you first enter a residency program, which is  
19 the time frame that you would do the match, which is  
20 a fourth-year medical student, there is fewer  
21 positions available.

22 In my situation, I would be transferring  
23 into a residency program.

24 Q That's even more competitive, isn't it?

25 A I disagree with that.

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

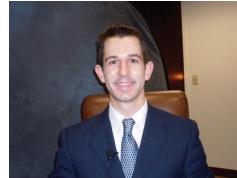
3 JEFFREY SNYDER, D.O., )  
4 an individual, )

5 Plaintiff, )

6 vs. )

NO. CIV-16-384-F

7 BOARD OF REGENTS FOR THE )  
8 OKLAHOMA AGRICULTURAL & )  
9 MECHANICAL COLLEGES, ex rel., )  
10 OKLAHOMA STATE UNIVERSITY )  
11 CENTER FOR HEALTH )  
12 SCIENCES, et al., )



13 Defendants. )

14 VIDEOTAPED DEPOSITION OF JEFFREY ANDREW SNYDER, D.O.

15 VOLUME IV

16 TAKEN ON BEHALF OF THE DEFENDANTS

17 IN OKLAHOMA CITY, OKLAHOMA

18 ON SEPTEMBER 12, 2019

19  
20 REPORTED BY: JANA C. HAZELBAKER, CSR  
21  
22  
23  
24  
25

1           Have you provided that letter to any  
2       residency program to test whether or not you have the  
3       qualifications to apply for their residency program?

4           A       No.

5           Q       Okay. So you don't know whether or not you  
6       could, you just haven't done it, correct?

7           A       That's not correct.

8           Q       Well, what efforts have you made to  
9       affirmatively test whether or not you could attempt  
10      to enter another program?

11          A       I applied to transfer into the radiology  
12      residency program.

13          Q       Where?

14          A       At OSU.

15          Q       Yeah. And outside of the radiology program  
16      application that you believe that you made, what  
17      other efforts have you made in the intervening five  
18      years?

19          A       I have researched residency positions  
20      through the Osteopathic Opportunities website.

21          Q       And outside of research, what affirmative  
22      steps have you ever made to apply for a program?

23          A       I think the last statement I told you was  
24      an affirmative step.

25          Q       Have you ever filled out an application,